

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

REPLY OF DEFENDANTS¹ TO OBJECTION OF HENAULT PLAINTIFFS²
TO RULE 12(B)(6) MOTION TO DISMISS

Without waiving any of its defenses related to service of process³, GFC⁴ hereby adopts the Reply Memorandum of Defendants to Gray Plaintiffs' Memorandum in Opposition to Rule 12(b)(6) Motion to Dismiss Plaintiffs' First Amended Master Complaint, dated February 9, 2005. For the reasons set forth therein and for the reasons set forth in GFC's prior memoranda, GFC respectfully requests that the Court grant its Motion to Dismiss all of plaintiffs' claims against it.

¹ All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

² All plaintiffs named in Chad Henault, et al v. Jeffrey Derderian, et al (C.A. No. 03-483 L).

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Henault, et al v. Derderian, et al (C.A. No. 03-483 L). GFC has never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Reply.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.

363

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

REPLY OF DEFENDANTS¹ TO OBJECTION OF PASSA PLAINTIFFS'²
TO RULE 12(B)(6) MOTION TO DISMISS

Without waiving any of its defenses related to service of process³, GFC⁴ hereby adopts the Reply Memorandum of Defendants to Gray Plaintiffs' Memorandum in Opposition to Rule 12(b)(6) Motion to Dismiss Plaintiffs' First Amended Master Complaint, dated February 9, 2005. For the reasons set forth therein and for the reasons set forth in GFC's prior memoranda, GFC respectfully requests that the Court grant its Motion to Dismiss all of plaintiffs' claims against it.

¹ All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

² All plaintiffs named in Tammy Passa, et al v. Jeffrey Derderian, et al (C.A. No. 03-148 L).

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Passa, et al v. Derderian, et al (C.A. No. 03-148 L). Only Foamex International has been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Reply.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.



UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

REPLY OF DEFENDANTS¹ TO OBJECTION OF KINGSLEY PLAINTIFFS'²
TO RULE 12(B)(6) MOTION TO DISMISS

Without waiving any of its defenses related to service of process³, GFC⁴ hereby adopts the Reply Memorandum of Defendants to Gray Plaintiffs' Memorandum in Opposition to Rule 12(b)(6) Motion to Dismiss Plaintiffs' First Amended Master Complaint, dated February 9, 2005. For the reasons set forth therein and for the reasons set forth in GFC's prior memoranda, GFC respectfully requests that the Court grant its Motion to Dismiss all of plaintiffs' claims against it.

¹ All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

² All plaintiffs named in Ronald Kingsley, et al v. Jeffrey Derderian, et al (C.A. No. 03-208 L).

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Kingsley, et al v. Derderian, et al (C.A. No. 03-208 L). GFC has never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Reply.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

JEFFREY DERDERIAN, et al.,
Defendants.

C.A. NO.: 04-312 L

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

AMERICAN FOAM CORPORATION, et al.,
Defendants.

REPLY OF DEFENDANTS¹ TO OBJECTION OF PASKOWSKI PLAINTIFFS²
TO RULE 12(B)(6) MOTION TO DISMISS

Without waiving any of its defenses related to service of process³, GFC⁴ hereby adopts the Reply Memorandum of Defendants to Gray Plaintiffs' Memorandum in Opposition to Rule 12(b)(6) Motion to Dismiss Plaintiffs' First Amended Master Complaint, dated February 9, 2005. For the reasons set forth therein and for the reasons set forth in GFC's prior memoranda, GFC respectfully requests that the Court grant its Motion to Dismiss all of plaintiffs' claims against it.

¹ All parties represented by counsel: General Foam Corporation, GFC Foam, LLC, Foamex, LP, Foamex International, Inc., FMXI, Inc., PMC, Inc. and PMC Global, Inc.

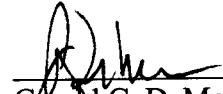
² All plaintiffs named in Andrew Paskowski, et al v. Jeffrey Derderian, et al (C.A. No. 05-002 L).

³ GFC states that its counsel has received a copy of a Notice of Adoption of First Amended Master Complaint and/or Pro Forma Complaint adopting First Amended Master Complaint in Paskowski, et al v. Derderian, et al (C.A. No. 05-002 L). GFC has never been served with service of process in this case. To the extent this pleading is before the Court and in response thereto, GFC submits this Reply.

⁴ "GFC" shall refer collectively to Defendants General Foam Corporation, GFC Foam, LLC, Foamex LP, Foamex International, Inc., FMXI, Inc., PMC, Inc., and PMC Global, Inc.

Defendants⁵,
By Their Attorneys,

HIGGINS, CAVANAGH & COONEY



Gerald C. DeMaria #0637
James A. Ruggieri #2828
123 Dyer Street
Providence, RI 02903
Tel: (401) 272-3500
Fax: (401) 273-8780

Of Counsel:

Carl A. Henlein, Esq.
John R. Crockett, III, Esq.
Susan S. Wettle, Esq.
FROST BROWN TODD
400 West Market Street, 32nd Floor
Louisville, KY 40202-3363

⁵ See n.1

CERTIFICATION OF SERVICE

I hereby certify that I caused to be served a copy of the within document in pdf format by electronic mail on the 24th day of February, 2005, to the following counsel of record:

John R. Mahoney, Esq.
ASQUITH & MAHONEY, LLP
155 South Main Street, 2nd Floor
Providence, RI 02903-7115
johnmahoney@amlawllp.com

James R. Lee, Esq.
Assistant Attorney General
for the State of Rhode Island
ATTORNEY GENERAL'S OFFICE
150 South Main Street
Providence, RI 02903
jlee@riag.ri.gov

Joseph V. Cavanagh, Jr., Esq.
Kristen E. Rodgers, Esq.
BLISH & CAVANAGH LLP
Commerce Center
30 Exchange Terrace
Providence, RI 02903
jvc@blishcavlaw.com

Ronald J. Resmini, Esq.
Ronald J. Creamer, Esq.
RESMINI LAW OFFICES, LTD.
155 South Main Street
Providence, RI 02903
Resminilaw@yahoo.com

Stephen E. Breggia, Esq.
BREGGIA BOWEN & GRANDE
395 Smith Street
Providence, RI 02908
sbreggia@bbglaw.us

Joseph B. Burns, Esq.
ROME, MCGUIGAN & SABANOSH, PC
One State Street
Hartford, CT 06103
jburns@rms-law.com

Brian R. Cunha, Esq.
Karen A. Alegria, Esq.
BRIAN CUNHA & ASSOC.
904 Broadway
East Providence, RI 0294
Brian@Briancunha.com

Steven A. Minicucci, Esq.
William A. Filippo, Esq.
CALVINO LAW ASSOCIATES
373 Elmwood Avenue
Providence, RI 02907
sminicucci@calvinolaw.com

C. Russell Bengtson, Esq.
CARROLL, KELLY & MURPHY
One Turks Head Place
Suite 400
Providence, RI 02903
RBengtson@ckmlaw.com

Bruce P. Keller, Esq.
Jessica L. Margolis, Esq.
DEBEVOISE & PLIMPTON
919 Third Avenue
New York, NY 10022
Bkeller@debevoise.com

Mark D. Cahill, Esq.
Eric Bradford Hermanson, Esq.
CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
mcahill@choate.com

Ralph J. Monaco, Esq.
CONWAY & LONDREGAN
38 Huntington Street
P O Box 1351
New London, CT 06320
Rmonaco.c-l@snet.net

Patrick T. Jones, Esq.
Peter Schneider, Esq.
COLLEY MANION JONES, LLP
21 Custom House Street
Boston, MA 02110
pjones@cmj-law.com

Marc DeSisto, Esq.
Kathleen M. Daniels, Esq.
DESISTO LAW
211 Angell Street
P O Box 2563
Providence, RI 02906-2563
marc@Desistolaw.com

Stephen M. Prignano, Esq.
Stephen J. MacGillivray, Esq.
EDWARDS & ANGELL, LLP
2800 Financial Plaza
Providence, RI 02903
sprignano@edwardsangell.com

Michael R. DeLuca, Esq.
GIDLEY, SARLI & MARUSAK, LLP
One Turks Head Place
Suite 900
Providence, RI 02903
MRD@gsm-law.com

Eva Marie Mancuso, Esq.
HAMEL, WAXLER, ALLEN & COLLINS
387 Atwells Avenue
Providence, RI 02909
emancuso@hwac.com

Thomas R. Bender, Esq.
James T. Murphy, Esq.
Kelly N. Michels, Esq.
HANSON CURRAN LLP
146 Westminster Street
Providence, RI 02903
trb@hansoncurran.com

Curtis R. Diedrich, Esq.
Edward T. Hinchey, Esq.
James Scanlon, Esq.
SLOANE AND WALSH, LLP
127 Dorrance Street
Providence, RI 02903-2828
Cdiedrich@sloanewalsh.com

Christopher C. Fallon, Jr., Esq.
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
cfallon@cozen.com

John R. Crockett, II, Esq.
Carl H. Henlein, Esq.
Susan S. Wettle, Esq.
FROST BROWN TODD, LLC
400 West Market Street, 32nd Floor
Louisville, KY 40202-3363
swettle@fbtlaw.com

Michael A. St. Pierre, Esq.
REVENS REVENS & ST. PIERRE, PC
946 Centerville Road
Warwick, RI 02886
mikesp@rrsplaw.com

Stephanie DiMaio Larivee, Esq.
James Howe, Esq.
GRILLI & DIMAIO
215 Broadway
Providence, RI 02903
singinglawyer@msn.com

Mark T. Nugent, Esq.
Paul Sullivan, Esq.
MORRISON MAHONEY LLP
121 South Main Street, Suite 600
Providence, RI 02903-7141
mnugent@morrissonmahoney.com

Mark C. Hadden, Esq.
LAW OFFICES OF MARK C. HADDEN
68 Kennedy Plaza, Suite 3
Providence, RI 02903
MHadden@mhaddenlaw.com

Thomas C. Angelone, Esq.
HODOSH, SPINELLA & ANGELONE PC
One Turks Head Place
Suite 1050
Providence, RI 02903
angelonelaw@aol.com

Daniel J. Horgan, Esq.
HORGAN LAW OFFICES
5 Shaw's Cove
Suite 200
New London, CT 06320
horganlaw@snet.com

Earl H. Walker, Esq.
Charles L. Babcock, Esq.
Nancy W. Hamilton, Esq.
JACKSON WALKER LLP
1401 McKinney, Suite 1900
Houston, TX 77010
CBabcock@jw.com

James H. Reilly, III, Esq.
Donald J. Maroney, Esq.
KELLY, KELLEHER, REILLY & SIMPSON
146 Westminster Street, Suite 500
Providence, RI 02903
dmaroney@kkrs.com

Faith A. LaSalle, Esq.
LAW OFFICES OF FAITH A. LASALLE
One Turks Head Place
76 Westminster Street, Suite 1010
Providence, RI 02903
flasalle@lasallelaw.com

Richard W. MacAdams, Esq.
MACADAMS & WIECK, INC.
101 Dyer Street
Providence, RI 02903
Rmacadams@mandwlaw.com

George E. Wolf, III, Esq.
Ann M. Songer, Esq.
SHOOK, HARDY & BACON, LLP
One Kansas City Place
1200 Main Street
Kansas City, KS 64105-2118
GWolf@shb.com

Andrew J. Trevelise, Esq.
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
atrevelise@reedsmith.com

Mark D. Tourgee, Esq.
Timothy A. Williamson, Esq.
INMAN & TOURGEE
1193 Tiogue Avenue
Coventry, RI 02816
inmantourgeelaw@aol.com

John J. Nazzaro, Esq.
JOHN NAZZARO LAW OFFICES
164 Hempstead Street
New London, CT 06320
attynazzaro@aol.com

Charles N. Redihan, Esq.
KIERNAN, PLUNKETT & REDIHAN
91 Friendship Street
Providence, RI 02903
credihan@kprlaw.com

Matthew F. Medeiros, Esq.
LITTLE, MEDEIROS, KINDER, BULMAN &
WHITNEY, P.C.
72 Pine Street, 5th Floor
Providence, RI 02903
mfm@lmkbw.com

Mark S. Mandell, Esq.
Yvette M. Boisclair, Esq.
MANDELL, SCHWARTZ & BOISCLAIR
One Park Row
Providence, RI 02903
msmandell@msn.com

W. Thomas McGough, Jr., Esq.
James J. Restivo, Jr., Esq.
REED SMITH LLP
435 Sixth Avenue
Pittsburgh, PA 15219
tmcgough@reedsmith.com

Anthony F. DeMarco, Esq.
Mark Reynolds, Esq.
REYNOLDS, DEMARCO & BOLAND, LTD.
170 Westminster Street, Suite 200
Providence, RI 02903
tdemarco@conversent.net

Mark P. Dolan, Esq.
Anthony R. Leone, Esq.
RICE DOLAN & KERSHAW
170 Westminster Street, Suite 900
Providence, RI 02903
Ricedolank@aol.com

Ronald P. Langlois, Esq.
Lauren DiSimone Wilkins, Esq.
SMITH & BRINK, PC
One State Street, Suite 400
Providence, RI 02908
Rlanglois@smithbrink.com

Robert I. Reardon, Jr., Esq.
Robert T. Rimmer, Esq.
THE REARDON LAW FIRM, PC
160 Hempstead Street
New London, CT 06320
Reardonlaw@aol.com

Scott J. Tucker, Esq.
TUCKER HIEFETZ & SALTZMAN LLP
Three School Street
Boston, MA 02108
STucker@ths-law.com

Donna M. Lamontagne, Esq.
Steven T. Hayes, Esq.
ZIZIK, POWERS, O'CONNELL,
SPAULDING & LAMONTAGNE, PC
40 Westminster Street, Suite 201
Providence, RI 02903
dlamontagne@zizikpowers.com

Gregory L. Boyer, Esq.
Stephen E. Boyer, Esq.
170 Westminster Street, Suite 200
Providence, RI 02903
Boyerlaw1@aol.com

Joseph J. McGair, Esq.
PETRARCA AND MCGAIR, INC.
797 Bald Hill Road
Warwick, RI 02886
jjm@petrarcamcgair.com

Edward M. Crane, Esq.
Kimberly A. Simpson, Esq.
Deborah G. Solmor, Esq.
SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
333 West Wacker Drive, Suite 2100
Chicago, IL 60606
ecrane@skadden.com

Thomas W. Lyons, III, Esq.
STRAUSS, FACTOR, LAING & LYONS
222 Richmond Street, Suite 208
Providence, RI 02903
tlyons@straussfactor.com

Benjamin V. White, III, Esq.
Howard A. Merten, Esq.
Eric M. Sommers, Esq.
VETTER & WHITE, INCORPORATED
20 Washington Place
Providence, RI 02903
Hmerten.station@vetterandwhite.com

Max H. Wistow, Esq.
John P. Barylick, Esq.
WISTOW & BARYLICK, INC.
61 Weybosset Street
Providence, RI 02903
jdean@wistbar.com

Howard J. Julian
570 Shermantown Road
North Kingstown, RI 02874
sohohomes@yahoo.com

J. Renn Olenn, Esq.
OLENN & PENZA
530 Greenwich Avenue
Warwick, RI 02886
jro@olenn-penza.com

T. Dos Urbanski, Esq.
MELICK, PORTER & SHEA, LLP
28 State Street
Boston, MA 02109-1775
durbanski@melicklaw.com

Randall L. Souza, Esq.
Fred A. Kelly, Jr., Esq.
Ian C. Ridlon, Esq.
Nixon Peabody, LLP
One Citizens Plaza, Suite 700
Providence, RI 02903
Rsouza@nixonpeabody.com

A handwritten signature in cursive script, appearing to read "Ian Ridlon", is written over a horizontal line.